

# STATE OF NEW YORK

1913

2023-2024 Regular Sessions

## IN SENATE

January 17, 2023

Introduced by Sens. ORTT, GALLIVAN -- read twice and ordered printed,  
and when printed to be committed to the Committee on Codes

AN ACT to amend the penal law, in relation to aggravated harassment of  
an employee by an incarcerated individual

The People of the State of New York, represented in Senate and Assem-  
bly, do enact as follows:

Section 1. Section 240.32 of the penal law, as amended by chapter 322  
of the laws of 2021, is amended to read as follows:

§ 240.32 Aggravated harassment of an employee by an incarcerated indi-  
vidual.

An incarcerated individual or respondent is guilty of aggravated  
harassment of an employee by an incarcerated individual when, with  
intent to harass, annoy, threaten or alarm a person in a facility whom  
he or she knows or reasonably should know to be an employee of such  
facility or the board of parole or the office of mental health, or a  
probation department, bureau or unit or a police officer, he or she  
causes or attempts to cause such employee to come into contact with  
blood, seminal fluid, urine, feces, saliva, or the contents of a toilet  
bowl[~~, by throwing, tossing or expelling such fluid or material~~].

For purposes of this section, "incarcerated individual" means an  
incarcerated individual or detainee in a correctional facility, local  
correctional facility or a hospital, as such term is defined in subdivi-  
sion two of section four hundred of the correction law. For purposes of  
this section, "respondent" means a juvenile in a secure facility oper-  
ated and maintained by the office of children and family services who is  
placed with or committed to the office of children and family services.  
For purposes of this section, "facility" means a correctional facility  
or local correctional facility, hospital, as such term is defined in  
subdivision two of section four hundred of the correction law, or a  
secure facility operated and maintained by the office of children and  
family services.

Aggravated harassment of an employee by an incarcerated individual is  
a class E felony.

§ 2. This act shall take effect immediately.

EXPLANATION--Matter in italics (underscored) is new; matter in brackets  
[~~-~~] is old law to be omitted.

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